

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN
(MADISON)**

McKenzy Suhr,)	
)	
Plaintiff,)	Case No.: 3:20-cv-00893
)	
v.)	Removed from:
)	
Nationwide Credit, Inc.,)	Dane County
)	Circuit Court
Defendant.)	Case No.: 2020 CV 003088

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Nationwide Credit, Inc. (hereinafter “NCI”), by its attorneys, respectfully files this Notice of Removal to remove this action from the Circuit Court in Dane County, Wisconsin, to the United States District Court for the Western District of Wisconsin. In support of this Notice of Removal, NCI states as follows:

1. Plaintiff, McKenzie Suhr, originally commenced this action by filing a Complaint against NCI in the Dane County Circuit Court, captioned *McKenzy Suhr v. Nationwide Credit, Inc.*, No. 2020-CV-00187, on August 31, 2020. The complaint was served on NCI’s registered agent on September 9, 2020. A true and correct copy of the Complaint is attached hereto as Exhibit A. No further proceedings before the state court have occurred.

2. For the reasons described below, this Court has jurisdiction over the state court action pursuant to 28 U.S.C. § 1331 because Plaintiff’s Complaint alleges a cause of action arising under the laws of the United States.

3. Plaintiff's Complaint alleges that NCI violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, due to NCI's allegedly unlawful collection activities concerning debts owed by Plaintiff.

4. The United States Supreme Court has affirmed that federal question jurisdiction exists when presented with a substantial federal question. *Grable & Sons Metal Prods., Inc. v. Darue Eng. & Mfg.*, 545 U.S. 308 (2005). Because Plaintiff seeks relief for a cause of action arising under a federal statute, the Complaint asserts a federal question under 28 U.S.C. § 1331 and 15 U.S.C. § 1692k, and it is therefore removable pursuant to 28 U.S.C. § 1441.

5. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) in that it is being filed within thirty (30) days after service of the Complaint on Defendant NCI. NCI was served on September 9, 2020. *See* Exhibit B (state court docket).

6. The Dane County Circuit Court is located within the federal Western District of Wisconsin. Therefore, venue for purposes of removal is proper because the United States District Court for the Western District of Wisconsin embraces the place in which the removed action was pending. 28 U.S.C. § 1441(a).

7. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being caused to be served on Plaintiff, through her attorneys, at the address provided in the Complaint. Notice will also be promptly filed with the clerk of the Dane County Circuit Court.

8. NCI files this Notice of Removal solely for the purpose of removing the state court action and does not waive, and specifically reserves, all defenses.

WHEREFORE, Defendant Nationwide Credit, Inc. gives notice that this action is removed to the United States District Court for the Western District of Wisconsin, and respectfully requests that no further proceedings in this matter be had in the Dane County Circuit Court.

Date: September 25, 2020

Respectfully submitted,

s/ Andrew E. Cunningham

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Attorneys for Defendant

Nationwide Credit, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 25, 2020, I electronically filed the foregoing **Notice of Removal** with the Clerk of Court using the CM/ECF system. A copy of this document and all attachments are being delivered by electronic mail to Plaintiff's counsel at the following address:

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Respectfully submitted,

s/ Andrew E. Cunningham